

Exhibit A

From: Katherine Berger <Katherine_Berger@ohsd.uscourts.gov>
Sent: Thursday, March 13, 2025 10:08 AM
To: Polenberg, Jon; Shumate, Keith; borell@marshall-melhorn.com; Silverman, Brittany; King, Andrew H.
Subject: [EXT] RE: Wendy's Netherlands B.V. v. Levy, 2:24-cv-03077 - evidentiary hearing

Counsel,

Thank you, Mr. Polenberg, for the confirmation. Based on the parties' representations, the hearing will continue as scheduled on March 19, 2025, at 3:30 PM.

Best,

Katie



Katherine T. Berger
Law Clerk
The Honorable Michael H. Watson
United States District Court
Southern District of Ohio
(614) 719-3283
Katherine_Berger@ohsd.uscourts.gov

From: Polenberg, Jon <JPolenberg@beckerlawyers.com>
Sent: Wednesday, March 12, 2025 2:59 PM
To: Katherine Berger <Katherine_Berger@ohsd.uscourts.gov>; Shumate, Keith <keith.shumate@squirepb.com>; borell@marshall-melhorn.com; Silverman, Brittany <brittany.silverman@squirepb.com>; King, Andrew H. <andrew.king@squirepb.com>
Subject: RE: Wendy's Netherlands B.V. v. Levy, 2:24-cv-03077 - evidentiary hearing

CAUTION - EXTERNAL:

Thank you for the invitation to respond to the email. The parties have not engaged in discovery, and therefore, Levy does not know how many of the people who were involved with creating the duress remain employed at Wendy's. Thus, Levy has subpoenaed them all but should only need to call a few witnesses to show that there exist facts to support the defense he has asserted. Two hours should be enough.

Jon Polenberg
Shareholder
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From: Katherine Berger <Katherine_Berger@ohsd.uscourts.gov>
Sent: Wednesday, March 12, 2025 2:54 PM
To: Shumate, Keith <keith.shumate@squirepb.com>; borell@marshall-melhorn.com; Silverman, Brittany <brittany.silverman@squirepb.com>; King, Andrew H. <andrew.king@squirepb.com>; Polenberg, Jon <JPolenberg@beckerlawyers.com>
Subject: RE: Wendy's Netherlands B.V. v. Levy, 2:24-cv-03077 - evidentiary hearing

Counsel,

Thank you for your patience.

First, Judge Watson is unavailable for a status conference but appreciates that Wendy's brought this matter to the Court's attention.

Second, with respect to Wendy's inquiry regarding the scope of the hearing, the Court directs both parties to the January 28, 2025 Opinion and Order, which sufficiently defines the scope of the hearing. *See* ECF No. 23 at PAGEID # 1240 ("Because the Court cannot, from the materials offered, determine whether the existence of a meritorious defense (duress) has been alleged, the Court hereby ORDERS the parties to appear . . . so that Defendant may present evidence to verify the operative facts he alleges.").

Third, based on the parties' prior representations, the Court expected the evidentiary hearing to take, at most, two hours. However, to the extent Mr. Levy seeks to call (at least) 11 witnesses, and considering Wendy's opportunity for cross-examination of those witnesses, the Court is seriously doubtful that two hours will be enough time. To that end, **counsel for Mr. Levy, please respond to this email with your estimation of how long you will need to present your witnesses at the hearing.**

Best,

Katie



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From: Katherine Berger
Sent: Wednesday, March 12, 2025 11:52 AM
To: Shumate, Keith <keith.shumate@squirepb.com>; borell@marshall-melhorn.com; Silverman, Brittany <brittany.silverman@squirepb.com>; King, Andrew H. <andrew.king@squirepb.com>; jpolenberg@beckerlawyers.com
Subject: RE: Wendy's Netherlands B.V. v. Levy, 2:24-cv-03077 - evidentiary hearing

Mr. Shumate,

I hope your morning is going well. Confirming receipt of your below email—I will bring this matter to Judge Watson’s attention and follow up as I am able.

Best,

Katie



Katherine T. Berger
Law Clerk
The Honorable Michael H. Watson
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Southern District of Ohio
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From: Shumate, Keith <keith.shumate@squirepb.com>
Sent: Wednesday, March 12, 2025 8:55 AM
To: Katherine Berger <Katherine_Berger@ohsd.uscourts.gov>; borell@marshall-melhorn.com; Silverman, Brittany <brittany.silverman@squirepb.com>; King, Andrew H. <andrew.king@squirepb.com>; jpolenberg@beckerlawyers.com
Subject: RE: Wendy's Netherlands B.V. v. Levy, 2:24-cv-03077 - evidentiary hearing

CAUTION - EXTERNAL:

Hello Ms. Berger:

On behalf of my client Wendy’s, I am writing to request a status conference with the Court. On February 25, 2025, the Court scheduled a hearing for March 19, 2025 to commence at 3:30. Yesterday, eight days before the scheduled hearing, Mr. Levy’s counsel “served”

subpoenas at Wendy's corporate office for 11 current and former Wendy's employees for the hearing. Wendy's respectfully request an opportunity to talk to the Court about the scope of the hearing, which counsel represented to the Court would last no more than one to two hours maximum, as well as the issuance of these subpoenas. We appreciate the Court's consideration of our request.

Keith Shumate
Squire Patton Boggs (US) LLP
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keith.shumate@squirepb.com

From: Shumate, Keith
Sent: Monday, February 24, 2025 11:06 AM
To: 'Katherine Berger' <Katherine_Berger@ohsd.uscourts.gov>; borell@marshall-melhorn.com; Silverman, Brittany <brittany.silverman@squirepb.com>; King, Andrew H. <andrew.king@squirepb.com>
Subject: RE: Wendy's Netherlands B.V. v. Levy, 2:24-cv-03077 - evidentiary hearing

Hello Ms. Berger:

On behalf of Wendy's, we agree that approximately an hour should be sufficient for the hearing. In addition, Wendy's is available on the following dates:

- April 1
- April 3
- April 8
- April 9
- April 10
- April 11
- April 21

Please let us know if you need any additional information. Thanks.

SQUIRE | **Keith Shumate**
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From: Katherine Berger <Katherine_Berger@ohsd.uscourts.gov>
Sent: Monday, February 24, 2025 10:05 AM

To: borell@marshall-melhorn.com; Shumate, Keith <keith.shumate@squirepb.com>; Silverman, Brittany <brittany.silverman@squirepb.com>; King, Andrew H. <andrew.king@squirepb.com>

Subject: [EXT] Wendy's Netherlands B.V. v. Levy, 2:24-cv-03077 - evidentiary hearing

Counsel,

I hope you had a nice weekend. I'm reaching out with respect to scheduling the evidentiary hearing in the above-captioned matter. As Judge Watson considers the new dates you proposed (ECF No. 26), it would be helpful to have an idea of how long you believe you will need for your presentations at the hearing. We are guessing that the hearing will take an hour or so but wanted to confirm whether that estimate is accurate.

Additionally, Judge Watson will be unavailable on the two April dates you proposed—would you be able to propose two additional dates earlier in April?

Thank you for your patience and flexibility.

Best,

Katie



Katherine T. Berger

Law Clerk

The Honorable Michael H. Watson

United States District Court

Southern District of Ohio

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